(44)

HIGH COURT OF JUDICATURE AT BILASPUR: CHHATTISGARH

Single Bench : Hon'ble Shri H.L. Dattu, CJ.

Contempt Petition No. 77 OF 2007.

Applicant (Petitioner)		Manohar Jethani, son of Late Dr. Variyal Das Jethani, aged about 42 years, resident of – Amardeep Talkies Road, Near Hotel Kohinoor, Ganesh Nagar, Raipur (C.G.)
	Vs.	
Non-applicants	1.	Dr. Krishnamurti Bandhi, Minister for State, Health and Family Welfare Department, Government of Chhattisgarh, Residence – Behind 'Pahuna' Guest House, Shankar Nagar, Raipur (C.G.)
Respondent No.1	2.	B.L. Agrawal, Secretary, Health & Family Welfare Department, D.K.S. Bhawan, Raipur (C.G.).
	3.	Bharat Bajaj, Nominated President, C.G. State Pharmacy Council, Q.No.77, Sector-3, Geetanjali Nagar, Raipur (C.G.)
Respondent No.2	4.	T.R. Sahu, Registrar, Chhattisgarh State Pharmacy Council, Qr. No.77, Sector-3, Geetanjali Nagar, Raipur (C.G.).

Present: Shri Virendra Sharma, counsel for the applicant.

ORAL ORDER
(Passed on 2nd April, 2007)

This Court while disposing of the writ petition No.2829 of 2005 dated 06.02.2006 had issued the following directions :

> "I dispose of this writ petition directing the 2nd respondent to register the name of the petitioner as Pharmacist under the Act without insisting that the petitioner should fill-in prescribed applications under Sections 32 & 33 of the Act. However, it is made clear that if there are any grounds for the 2nd respondent to proceed against the petitioner in terms of the Act, it is open for him to take corrective measures in accordance with law."

(2) After disposal of the writ petition, the 2nd respondent without insisting on the petitioner to fill up the applications under Sections 32 & 33 of

the Act has registered the name of the petitioner as a Pharmacist and thereafter proceeded to hold certain enquiries by way of corrective measures.

(3) Since those corrective measures are initiated by the 2nd respondent/non-applicant, the petitioner is before me in this contempt petition inter allia alleging that the respondents have willfully, deliberately and purposefully disobeyed the orders and directions issued by this Court.

(4) Apprehending that the 2nd respondent may proceed against the petitioner and similarly situated persons, the petitioner has approached this Court in this contempt petition. Mere apprehension on the part of the petitioner cannot be a ground to take any action against the respondents. If for any reason, the respondents insist upon the petitioner to fill the prescribed application under Sections 32 & 33 of the Act before registering the name as pharmacist, then only the cause of action would arise for them. Otherwise, it cannot be said that the non-applicants have disobeyed the orders and directions issued by this Court. In view of the above, I decline to entertain this contempt petition and accordingly, it is rejected. Ordered accordingly.

Sd/-
Chief Justice